THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) The Madurai Bench is functional since July 24, 2004, in pursuance to the Presidential Order dated July 6, 2004.

(b) Apart from deputing the sanctioned number of Judges by the High Court, the State Government is required to sanction additional staff and funds for maintaining the court buildings.

(c) Yes, Sir.

(d) No, Sir.

(e) Does not arise.

Judicial activities

†711. SHRI KRIPAL PARMAR: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the judiciary has to do work of the executive today and the judiciary has to issue executive orders besides disposing of the disputes of people; and

(b) if so, when everything is to be done by the courts of law only, then what is the justification for the existence of Ministries, Departments and institutions with their executive powers?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) and (b) No, Sir. The executive and the judiciary are independent bodies functioning within the framework of the constitution.

Non-Casting of votes by Eligible Voters

712. SHRIMATI PREMA CARIAPPA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are aware that eligible voters having Photo Identity Cards could not cast their votes at various centres in the last Lok Sabha and Assembly elections;

(b) if so, Governmertt's reaction thereto; and

(c) the steps taken to ensure that all eligible voters exercise their franchise of right to vote in the coming elections?

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†Original notice of the question was received in Hindi.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) and (c) A statement is laid on the Table of the House. (*See* below).

(b) As the Election Commission of India is the sole authority in-charge of the implementation and monitoring of the scheme of the Elector's Photo Identity Cards (EPIC), the Government has no comments to offer in this regard.

Statement

Monitoring of EPICs

The Election Commission of India is directly responsible for the implementation and monitoring of the scheme of Elector's Photo Identity Cards (EPICs). An extract of information received from the Commission in the matter is given below:—

"The Commission had received some complaints regarding persons possessing Electroral Photo Identity Cards (EPIC) who could not caste their vote during the General Elections to Lok Sabha and State Legislative Assemblies of Andhra Pradesh, Karnataka, Orissa and Sikkim conducted in April-May, 2004, as their names were missing from the electoral rolls used for the conduct of these elections. The Commission had forwarded all complaints received by it to the Chief Electoral Officers concerned for appropriate action to restore the entries and to ascertain the reasons behind the missing names.

The general elections to the State Legislative Assemblies of Arunachal Pradesh and Maharashtra were due to be held in September-October, 2004. No complaints were received during the general election to Lok Sabha in Arunachal Pradesh about omission of names of persons possessing Electroral Photo Identity Cards (EPIC). However, there were some such complaints received from the State of Maharashtra. Therefore, the Commission ordered another special summary revision in the entire State of Maharashtra with the same qualifying date, i.e. 1.1.2004 before the General Elections to the State Legislative Assembly to give on opportunity to all the persons possessing EPIC whose names were missing as well as other eligible persons to get their names enrolled. The programme of special summary revision commenced with draft publication of rolls on 15.6.2004 and the final publication was made on 18.8.2004.

The Chief Election Commissioner in the Press Conference held on 24th August, 2004 for announcing the programme of general elections to the

Legislative Assemblies of Arunachal Pradesh and Maharashtra and bye-elections to various vacancies to Lok Sabha/Legislative Assemblies had also made repeated appeal to the eligible citizens to check the electoral roll to ensure that their names were included and point out omissions, if any, within the period available as per law.

During the general elections to Arunachal Pradesh and Maharashtra Legislative Assembly held in October, 2004 there were no complaints about omission of names of any eligible person, including those having EPICs from the electoral roll.

In respect of all States and UTs, except Arunachal Pradesh and Maharashtra, the Commission has ordered revision of electoral rolls with respect to 01.01.2005 as the qualifying date to give an opportunity to all the persons possessing EPIC whose names were found missing at the time of general election to Lok Sabha as well as other eligible persons to get their names enrolled in the electoral roll and delete names of dead and shifted electors. In the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Jammu & Kashmir, the nature of revision ordered was intensive, i.e. by way of house-to-house enumeration. In rest of the States, except Tamil Nadu, the revision ordered was special summary, i.e., the existing rolls of 2004 were published in draft for inviting claims and objections from the eligible persons.

In Tamil Nadu, in 38 Assembly Constituencies wholly or partly covered in Municipal Corporation areas of Chennai, Salem, Coimbatore, Tiruchirappali, Madurai, and Tirunelveli, a special revision of intensive nature with house-to-house enumeration will be carried out with 1.1.2005 as the qualifying date. In the remaining 196 Assembly Constituencies of the State a special revision of summary nature will be undertaken with 1.1.2005 as the qualifying date.

In the State of Arunachal Pradesh an intensive revision is contemplated and in Maharashtra, a special summary revision will be undertaken. The programme of revision with 01.01.2005 as the qualifying date is yet to be finalized in both the States.

In the comprehensive guidelines issued by the Commission for the revision of rolls with respect to 1.1.2005 as the qualifying date it has been specifically mentioned that before deletion of any name of person possessing EPIC, either not found residing during house-to-house enumeration during intensive revision or while disposing of objections to such inclusions filed in Form-7 appended to the Registration of Electors

Rules, 1960 during summary revision, a re-verification shall be made to ensure that no names are wrongly deleted. It has been further instructed that list of such electors can even be given to the political parties or published if deemed necessary. These steps are aimed to ensure that names of eligible persons especially those possessing EPIC are not deleted without valid reason.

It may be added that holding an EPIC is not an authority to vote, as the right to vote is based on the existence of the name of the person in the electoral roll being used for the election from the constituency where he/she ordinarily resides."

Vacant posts of Judges in Supreme Court

713. SHRI N.R. GOVINDRAJAR: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of posts of Judges lying vacant in Supreme Court as on date;

(b) the reasons for not filling up of vacant posts so far; and

(c) by when the vacant posts are likely to be filled up?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) Against the sanctioned strength of 26 Judges in the Supreme Court 24 Judges are in position leaving two vacancies to be filled up, as on 2.3.2005.

(b) and (c) Pursuant to the Supreme Court Judgement of October 06, 1993 read with their Advisory Opinion of October 28, 1998, the process of initiation of proposal for appointment of Judges of the Supreme Court lies with the Chief Justice of India.

Coparcenary rights of women

714. SHRIMATI SUSHMA SWARAJ: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are aware of the Hindu Succession Andhra Pradesh (Amendment) Act, 1986 and the changes it has brought about in the rights of daughters in relation to ancestral property of Hindus;

(b) whether the national Commission for Women has carried out a study of the coparcenary rights of women in Andhra Pradesh in the light of this amendment; and